

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2005 FEB 28 P 1:54

U.S. DISTRICT COURT
DISTRICT OF MASS.

GREAT NORTHERN INSURANCE COMPANY
as Subrogee of Jon and Abby Winkelreid
Plaintiff

vs.

FERGUSON & SHAMAMIAN ARCHITECTS, LLP

and

W.B. MARDEN, COMPANY

Defendants

CIVIL ACTION NO:

05cv10165 RGS

AMOUNTS

PROPERTY CL

FILE

62389
30.00
2/28/05 Jk

MOTION FOR ADMISSION PRO HAC VICE

NOW COMES, Patrick J. Loftus, III, Esquire, counsel for Plaintiff Great Northern Insurance Company as subrogee of Jon and Abby Winkelreid respectfully moves this Court to enter an Order, in the form attached, for the admission Pro Hac Vice of Robert M. Caplan., Esquire, of the law firm of Cozen and O'Connor, 1900 Market Street, Philadelphia, Pennsylvania to appear herein as counsel for plaintiff.

In support of this motion, Movant states as follows:

1. I am an attorney duly licensed to practice law in the Commonwealth of Massachusetts, and maintain an office at 9 Park Street, #500, Boston, Massachusetts 02108, and am attorney for plaintiff in the above-captioned action.
2. The above-captioned action involves property damage resulting from an incident that occurred on January 19, 2004 at the plaintiff's insureds' residence in Nantucket, Massachusetts.

3. I have been acting as counsel for plaintiff with respect to this matter.

4. As counsel for plaintiff, I have cooperated with Mr. Caplan, who has also prepared the case and is also ready to proceed with discovery and trial.

5. I know Mr. Caplan to be a qualified attorney with experience in the area of property damage litigation, such issues being presented in the instant lawsuit, and to be a member in good standing of the Bar of the Commonwealth of Pennsylvania and the State of New Jersey.

6. With my assistance, Mr. Caplan has prepared this case and is ready to go forward, such that granting this motion will not delay the preparation at trial of this case. Mr. Caplan is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

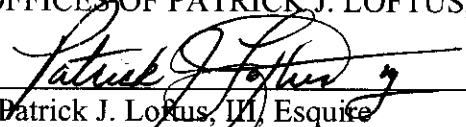
7. The Commonwealth of Pennsylvania grants Pro Hac Vice admission to duly licensed attorneys from the Commonwealth of Massachusetts.

8. In further support of its motion, Movant incorporates, by reference, the annexed Affidavit of Robert M. Caplan, Esquire.

WHEREFORE, Movant respectfully requests that the Court grant an Order allowing the admission Pro Hac Vice of Robert M. Caplan, Esquire to practice with respect to the above entitled action.

LAW OFFICES OF PATRICK J. LOFTUS, III

BY:


Patrick J. Loftus, III, Esquire

Attorneys for Plaintiff

9 Park Street, #500

Boston, MA 02108

617.723.7770

Dated: 2/25/05

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

GREAT NORTHERN INSURANCE COMPANY
as Subrogee of Jon and Abby Winkelreid
Plaintiff

vs.

FERGUSON & SHAMAMIAN ARCHITECTS, LLP

and

W.B. MARDEN, COMPANY

Defendants

CIVIL ACTION NO:
05cv10165 RGS

AFFIDAVIT OF ROBERT M. CAPLAN, ESQUIRE

I, Robert M. Caplan, do depose and state the following under the penalties of perjury.

1. I am employed and a member of the law firm of Cozen and O'Connor, 1900 Market Street, The Atrium, Third Floor, Philadelphia, Pennsylvania.
2. I am a permanent resident of the Commonwealth of Pennsylvania and reside at 121 Scarlet Drive, Conshohocken, Pennsylvania.
3. I am making this Affidavit in support of an application to be admitted pro hac vice as counsel for the plaintiff, Great Northern Insurance Company as subrogee of Jon and Abby Winkelreid.

4. I am a member of the Bar of the Commonwealth of Pennsylvania and have been licensed to practice before the Supreme Court of Pennsylvania at all times subsequent to November 17, 1989, and I am presently a member in good standing of this Bar. (See Exhibit A)

5. I am a member of the Bar of the State of New Jersey and have been licensed to practice before the Supreme Court of this State and at all times subsequent to December 1, 1998, and I am presently a member in good standing of this Bar.

6. I am also admitted to practice before the United States District Courts for the Eastern, Middle and Western Districts of Pennsylvania, the United States District Court for the District Court of New Jersey and the U.S. Courts of Appeals for the Third, Sixth and Eighth Circuits.

7. No disciplinary proceedings or criminal charges of any kind have ever been instituted against me in the Commonwealth of Pennsylvania, the State of New Jersey, or any other state.

8. This is a subrogation case, and my client in this case is Great Northern Insurance Company as subrogee of Jon and Abby Winkelreid.

9. Since being engaged by plaintiff and its subrogees in this matter, I have coordinated our client's investigation in this case, and have taken all of the necessary steps to see that proper service of the defendants and discovery in this case is promptly scheduled and completed.

10. The nature of this action involves complex legal and factual issues in a specialized field of law in which I have developed considerable skill and expertise, and I believe

that my participation in this case, and the continued participation of my firm in this case, will expedite the conclusion of this case rather than delay it.

11. There has been an attorney-client relationship between my firm and the plaintiff, Great Northern Insurance Company as subrogee of Jon and Abby Winkelreid, for an extended period of time.

12. If the Court, in its discretion, allows my Motion to Appear Pro Hac Vice in the above-captioned matter, I will represent my client in this proceeding until the final determination thereof, and with reference to all matters, incidents, or proceedings, I agree that I shall comply with and be subject to the Orders of this Court.

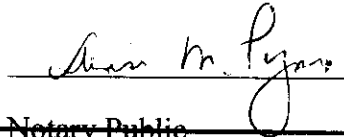
13. I further agree to be amenable to any disciplinary action and the civil jurisdiction of this Court and the State Bar of the Commonwealth of Massachusetts.

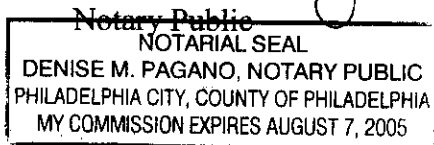
14. I have associated and have personally appearing with me in these proceedings Patrick J. Loftus, III, who is duly and legally admitted to practice in the Commonwealth of Massachusetts, and upon whom service may be had in all matters connected with the above-captioned case and/or in any disciplinary matter arising out of the same, with the same effect as if personally made on me within the Commonwealth of Pennsylvania.

15. I certify that all of the foregoing statements made by me are true, and I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


ROBERT M. CAPLAN, ESQUIRE

Sworn to and Subscribed
before me this 2nd day
of February, 2005.







Supreme Court of Pennsylvania

CERTIFICATE OF GOOD STANDING

Robert M. Caplan, Esq.

DATE OF ADMISSION

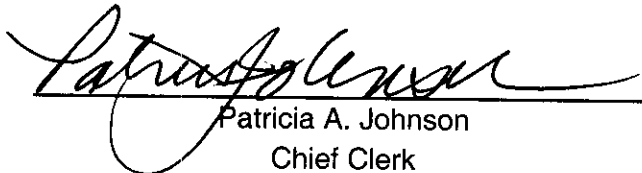
December 14, 1988

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



Witness my hand and official seal

Dated: November 8, 2004


Patricia A. Johnson
Chief Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GREAT NORTHERN INSURANCE COMPANY
a/s/o Jon and Abby Winkelreid
Plaintiff

v.

FERGUSON & SHAMAMIAN ARCHITECTS, LLP

and

W.B. MARDEN, COMPANY
Defendants

C.A. No.: 05 cv 10165 RGS

AFFIDAVIT OF PATRICK J. LOFTUS, III

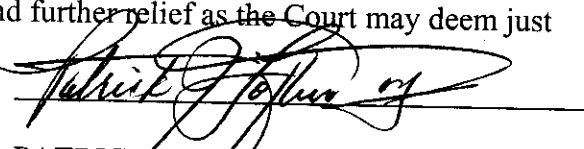
Patrick J. Loftus, III, Jr., Esquire, being duly sworn, deposes and says as follows:

1. I am an attorney duly licensed to practice law in the State of Massachusetts, and an attorney for the Plaintiff, Great Northern Insurance Company, in the above-entitled action.
2. I am fully familiar with the facts and circumstances as hereinafter set forth, and make this Affidavit in support of the Plaintiff's motion to have Robert M. Caplan, Esquire admitted of counsel, *Pro Hac Vice*, with respect to the above-entitled action.
3. The affiant has been acting as local counsel with respect to this matter, and respectfully requests that the Court allow Robert M. Caplan, Esquire to be admitted *Pro Hac Vice* for purposes of serving as counsel for Plaintiff,

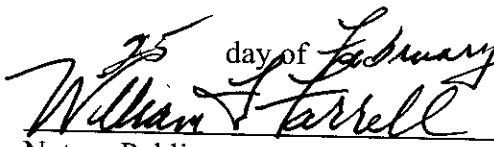
4. The affiant has known Mr. Caplan, Esquire to be an excellent attorney who has a great deal of experience with respect to the issues being presented in the present lawsuit and is a member in good standing of the Bar of the Commonwealth of Pennsylvania.
Pennsylvania is a state which allows similar admission privileges to attorneys in good standing in Massachusetts.
5. The affiant respectfully submits to the Court that Mr. Caplan is not only an excellent attorney, but is a person of unimpeachable character who would do justice to both his client and the Bar. The Court is respectfully referred to the attached Affidavit regarding Mr. Caplan's qualifications with the respect to the subject claims.
6. The affiant respectfully requests that Robert M. Caplan, Esquire be admitted *Pro Hac Vice* in the above-entitled action to serve as counsel with respect to the subject claims.

WHEREFORE, Patrick J. Loftus, III, Esquire respectfully requests that the Court grant an Order allowing the admission, *Pro Hac Vice*, of Robert M. Caplan, Esquire to the United States District Court for the District of Massachusetts and to practice with respect to the above-captioned action, together with such other and further relief as the Court may deem just and proper.

BY:


PATRICK J. LOFTUS, III ESQUIRE
BBO# 303310
9 Park Street, Suite 500
Boston, MA 02108
(617) 723-7770
ATTORNEY FOR PLAINTIFF

Sworn to before me on this


Notary Public

25 day of February, 2005.
2/16/2005


CERTIFICATE OF SERVICE

I, PATRICK J. LOFTUS, III, hereby certify that a copy of the foregoing Plaintiff's MOTION FOR ADMISSION OF COUNSEL PRO HAC VICE has been served upon counsel this *25* day of *February*, 2005 by First Class Mail, postage pre-paid as follows:

Kathleen C. Tulloh Brink, Esq.,
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111
Attorney for Defendant W. B. Marden Company

Ferguson & Shamamian Architects, LLP
270 Lafayette Street
Suite 300
New York, NY 10012

BY:


PATRICK J. LOFTUS, III ESQUIRE
BBO# 303310
9 Park Street, Suite 500
Boston, MA 02108
(617) 723-7770
ATTORNEY FOR PLAINTIFF

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Plaintiff

vs.

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and

W.B. MARDEN, COMPANY

Defendants

CIVIL ACTION NO:
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ORDER

AND NOW, this _____ day of February, 2005 upon consideration of the Plaintiff's Motion for Admission Pro Hac Vice of Robert M. Caplan, Esquire, it is hereby ORDERED that the Motion is Granted and Robert M. Caplan, Esquire is admitted as a member of the bar of this Court for all pre-trial activities and for the trial of this matter.

BY THE COURT,

J.